

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 17773 of 2006

Date of decision: November 10, 2006

Gram Panchayat

.....Petitioner

Versus

The Joint Development Commissioner (IRD) and Ors Respondents

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. Arvind Singh, Advocate
for the petitioner

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ASHUTOSH MOHUNTA, J (Oral)

The Gram Panchayat has filed this writ petition impugning the orders dated 16.01.2002(Annexure P-1) and dated 30.08.2006(Annexure P-3) by which respondent No.3 has been held to be the owner of land measuring 16 kanals.

The facts of the case are that respondent No.3 had filed a petition under Section 11 of the Punjab Village Common Lands (Regulation)Act, 1961(herein after to be called as the Act), wherein it was averred that he was in possession of the suit land prior to 1950 and thus, in view of Section 4(3) (ii) of the Act, the land was exempted from the definition of '*shamlat deh*' and that he had become the owner of the same. Respondent No. 3 also relied on the scheme of consolidation, which shows that the land in question was never reserved for common purposes.

The Collector allowed the petition under Section 11 of the Act,

filed by respondent No.3. Thereafter, the Gram Panchayat filed an appeal before the Commissioner, which was dismissed.

A perusal of the impugned orders shows that as respondent No. 3 was in possession of the suit land measuring 16 kanals, situated in Village Ibrahimwal (Kuka) Taraf Arshad Khan, Kapurthala and that the land was never reserved during consolidation for common purposes, therefore, respondent No.3 has rightly been held to be owner of the suit land.

We find no merit in the present writ petition and the same is accordingly dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

November 10, 2006
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